

**DECLARATION AND POWER OF
ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SURGICAL DEVICE FOR CLAMPING, LIGATING,
AND SEVERING TISSUE**

the specification of which

(check one) [] is attached hereto.

[X] was filed on September 28, 2001, as
Application 09/967,204 and
was amended on _____ (if
applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

| Country | Application Number | Date of Filing (Day/Month/Year) | Priority Claimed Under 35 U.S.C. §119 |
|---------|--------------------|------------------------------------|--|
| | | | [] Yes [] No |
| | | | [] Yes [] No |
| | | | [] Yes [] No |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status (patented, pending, abandoned) |
|------------------------|-------------|--|
| | | |
| | | |

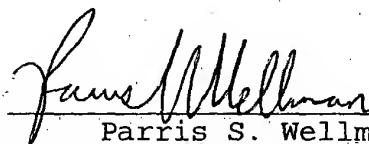
I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith as well as to file equivalent patent applications in countries foreign to the United States including the filing of international patent applications in accordance with the Patent Cooperation Treaty: Philip S. Johnson (Reg. No. #27,200), Steven P. Berman (Reg. #24,772), Andrea L. Colby (Reg. #30,194), Michael Stark (Reg. #32,495), Matthew S. Goodwin (Reg. #32,839), Richard Skula (Reg. #31,061), William K. Wissing (Reg. #34,757), Brian S. Tomko (Reg. #41,349, One Johnson & Johnson Plaza, New Brunswick, NJ 08933, and Kenneth L. King (Reg. #24,223), Frank S. DiDiglio (Reg. #31,346), Leopold Presser (Reg. #19,827), Paul J. Esatto, Jr. (Reg. #30,749), 400 Garden City Plaza, Garden City, NY 11530.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature:
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[x] Signature for third and subsequent joint inventors.
Number of pages added 1.

Inventor's Signature:
Full Name of Third Inventor

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Robert Nering

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